United Nations S/2009/644

Security Council

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The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 28 October 2009 (S/2009/570), attaching the letter from the President of the International Tribunal for the Former Yugoslavia ("the International Tribunal") dated 29 September 2009,

Recalling its resolutions 827 (1993) of 25 May 1993, 1581 (2005) of 18 January 2005, 1597 (2005) of 20 April 2005, 1613 (2005) of 26 July 2005, 1629 (2005) of 30 September 2005, 1660 (2006) of 28 February 2006, 1668 (2006) of 10 April 2006, 1800 (2008) of 20 February 2008, 1837 (2008) of 29 September 2008, 1849 (2008) of 12 December 2008, and 1877 (2009) of 7 July 2009,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Security Council calls on the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its Completion Strategy Report (S/2009/589) that the Tribunal will not be in a position to complete all its work in 2010,

Recalling that in resolution 1877 (2009) the Security Council extended the term of office of permanent judges and ad litem judges until 31 December 2010, or until the completion of the cases to which they are assigned, if sooner; and decided to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in light of the progress of the International Tribunal in the implementation of the Completion Strategy,

Convinced of the advisability of allowing the total number of ad litem judges serving at the International Tribunal to temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the Statute of the International Tribunal,

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Acting under Chapter VII of the Charter of the United Nations,

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1. *Underlines* its intention to extend, by 30 June 2010, the terms of office of all trial judges at the International Tribunal based on the Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner, *and requests* the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, including information on the judges whose extension of the terms of office or redeployment to the Appeals Chamber will be sought;

2. *Decides* that, notwithstanding the expiry of their terms of office on 31 December 2009, Judges Kimberley Prost (Canada) and Ole Bjorn Stole (Norway) complete the *Popović* case which they began before the expiry of their terms of office; and *takes note* of the intention of the International Tribunal to complete the case before the end of March 2010;

3. *Decides* in this regard that the total number of ad litem judges serving at the International Tribunal may temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the Statute of the International Tribunal, to a maximum of thirteen at any one time, returning to a maximum of twelve by 31 March 2010;

4. *Decides* to allow ad litem Judges Prost and Stole to serve at the International Tribunal beyond the cumulative period of service provided for under article 13 *ter*, paragraph 2, of the Statute of the International Tribunal;

5. *Decides* to remain seized of the matter.